

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the above-identified patent application in view of the above amendments to the claims and the following remarks.

The Examiner has rejected independent claims 1-30 under the provisions of 35 U.S.C. §103 as being unpatentable over U.S. Patent 4,606,638 (Sommargren) in view of U.S. Patent No. 4,762,414 (Grego). The Examiner has also rejected dependent claims 4, 5, 8-15 and 19-30 under the provisions of 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent 4,606,638 (Sommargren) and U.S. Patent No. 4,762,414 (Grego) as applied to claim 1, and further in view of U.S. Patent No. 5,160,973 (Cocito et al.).

The Applicants have canceled dependent claims 4 and 19 and incorporated the limitations of claims 4 and 19 into independent claims 1 and 16, respectively. The Applicants have also amended claims previously dependent on claims 4 and 19 to be dependent on claims 1 and 16. Originally filed claims 4 and 19 included limitations relating to means for scanning the output of the laser source in both X and Y axes using an acousto optic deflector. Currently amended claims 1 and 16 now include these same limitations.

The scanning of the output laser in both X and Y axes using an acoustic optic deflector provides a beam scanning function that can access any point on the ABS of slider 28 and the rotating glass disk. (See page 12 of the specification). The prior art of record (Sommargren) does not disclose a scanning device for measuring the "d" distance between any point on a slider and a transparent disk, but instead suggests that a single measurement is preformed and presumably the slider is moved relative to the measuring system if the height is to be measured at a different point. There appears to be no suggestion in Cocito et al to use an acoustic optic

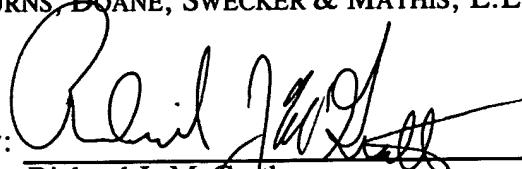
scanning device in the flying height measurement system of U.S. Patent 4,606,638 (Sommargren) or the static interferometric ellipsometer of U.S. Patent No. 4,762,414 (Grego). Instead, Cocito et al. is directed to a system for measuring the refractive index profile of optical components. The Examiner appears to have used the teachings of the Applicants' own patent as the motivation for combining the scanning function of Cocito et al. with the teachings of Sommargren patent and the Grego patent.

The Applicants believe that the Examiner has made an impermissible rejection of the claims as being unpatentable over U.S. Patent 4,606,638 (Sommargren) and U.S. Patent No. 4,762,414 (Grego) as applied to claim 1, and further in view of U.S. Patent No. 5,160,973 (Cocito et al.). It is respectfully submitted that the Applicants' claimed invention of currently amended independent claims 1 and 16 is not unpatentable over the combination of the Sommargren and Grego references and further in view of Cocito et al as suggested by the Examiner. It is also respectfully submitted that dependent claims 2, 3, 5-15, 17, 18 and 20-30 are patentable for at least the same reasons as currently amended claims 1 and 16.

The Applicants believe that the present case is in condition for allowance, and the Examiner is requested to pass the present case to issue.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Richard J. McGrath

Registration No. 29,195

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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